

IN RE: PETITION FOR ZONING VARIANCE
NE/S York Road, 240' NW of the
c/l of Aylesbury Road
(1905 York Road)
8th Election District
3rd Councilmanic District
Weerasak Lima, et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-150-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a freestanding, double-faced, illuminated sign of 72 sq.ft. in lieu of the maximum permitted 8 sq.ft., single-faced attached sign for an existing medical office building in accordance with Petitioner's Exhibit 1.

The Petitioners, Weerasak Lima and Saleewun Limawarut, appeared, testified and were represented by William F. Monaghan, II, Esquire. Appearing as Protestants in the matter were Blanche Schultheis, and Truman and Virginia Smith.

Testimony indicated that the subject property, known as 1905 York Road, is zoned R.O. and is improved with a Class A office building used as a medical clinic. Petitioners are desirous of installing a freestanding, illuminated sign of 72 sq.ft. near the south property line as shown on Petitioner's Exhibit 1. At the hearing, a review of the record indicated said property was the subject matter of a previous zoning Case No. 80-216-KA in which the Petitioners requested a special exception and setback variances for a non-resident doctor's office. Prior to that hearing, Petitioners withdrew their request and an Order of Dismissal was issued on April 24, 1980. Subsequently, on January 6, 1982 in Case No. 82-146-A Petitioners were granted a parking variance from Section 409.2.C4 to permit parking spaces 0 feet from the street property line in lieu of the

required 8 feet. The plan submitted at that time indicated the property was zoned R.O. and that it was planned for use as a medical office building. Correspondence dated October 18, 1989 from James H. Thompson, Zoning Enforcement Supervisor, to the Zoning Commissioner indicates that the property is not in compliance with the requirements established in Case No. 82-146-A and that numerous site violations exist.

Subsequent to the hearing, a site visit by the Zoning Commissioner revealed the property has been developed in excess of the limits permitted by both the Baltimore County Zoning Regulations and the site plan submitted in Case No. 82-146-A and approved by Norman E. Gerber, Director of Planning on November 19, 1981. Specifically, along the north side of the existing building, a driveway leading to a rear parking area which has been installed where open space was said to be established. Said parking lot is in the adjoining D.R. 3.5 zone and is clearly for the purpose of supporting the medical office building in the R.O. zone. Obviously, the parking lot was constructed in violation of the requirements of a use permit for business parking in a residential zone as required by Section 409.8 of the Baltimore County Zoning Regulations (B.C.Z.R.). Further, the driveway is less than 20 feet in width in contradiction to Section 409.4 of the B.C.Z.R. which requires a 20-foot driveway width for two-way traffic. The vegetative buffers required on both the north and south sides of the parking lot in the front yard have never been installed. Further, concrete wheel stops have never been installed nor have handicapped parking spaces been established and as a result, the area once set aside for handicapped parking is now part of the driveway. Therefore, there are no handicapped spaces provided on the site as required.

Petitioner's Exhibit 1 in this matter shows open space to the rear of the subject site which no longer exists as a result of the parking lot. The driveway is not reflected and the vegetative buffers, which were never installed, have been omitted from the plan. In the opinion of the Zoning Commissioner, Petitioner's Exhibit 1 is not an accurate depiction of the subject property. In view of the facts presented above, Counsel for Petitioners proposed that they would withdraw their request for the sign variance and build a 15 sq.ft. sign as permitted by the R.O. regulations consistent with Section 203.3C.1 which provides, except along any principal arterial, an additional freestanding sign with a surface area of no more than 15 sq.ft. per side if there is adjacent non-residential uses or non-residentially zoned frontage. The regulation requires adjoining non-residentially used property, which is not applicable in this instance. The Protestants live next door to the subject site and, therefore, the property adjoins a residentially used property. However, the Protestants and Petitioner have agreed to a 15 sq.ft. sign as long as it is moved to the north side of the entrance. Therefore, Petitioner shall move the sign to the north side of the entrance as that building is not used residentially.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In the opinion of the Zoning Commissioner, the Petitioners have developed the subject property without proper permits and in direct contradiction of the spirit and intent of the R.O. zones by not protecting the residentially zoned portions of the property with an appropriate buffer from the commercial activity on the R.O. zoned portion of the property. Further, Petitioners' construction of the driveway and parking lot and failure to install the required vegetative buffers are contradictory to the quality of life of the residentially zoned portions of the surrounding community. The Zoning Commissioner does not approve of such arbitrary and blatant disrespect of the regulations which were established for residential districts and office districts with the intent to separate those uses from one another. However, it is clear that if a variance is granted, as hereinafter modified, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. While Petitioners argued that an illuminated sign was necessary, in the opinion of the Zoning Commissioner, a variance for a 15 sq.ft. sign on the north side of the entrance as shown in Petitioner's Exhibit 1 will be easily identifiable and will not need illumination.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested, as modified, should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of January, 1990, that the Petition for Zoning Variance to permit a freestanding, double-faced sign of 15 sq.ft. for an existing medical office building in an R.O. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order and prior to the issuance of any permits, Petitioners shall submit a revised site plan, prepared and sealed by a registered professional land surveyor, which clearly sets forth the existing improvements on the subject property and incorporates the requirements contained herein.
- 3) The variance granted herein is limited to a 15 sq.ft., freestanding, non-illuminated sign in the location shown in Petitioner's Exhibit 1. Said sign shall be no closer than 8 feet from the travel portion of York Road and no closer than 3 feet to the north side yard property line.
- 4) Prior to the issuance of any permits, a landscape plan shall be prepared by a certified landscape architect and submitted for approval by the Baltimore County Landscape Planner on or before January 30, 1990. A copy of the approved plan shall be submitted to the Zoning Commissioner for final approval prior to the issuance of any sign permits. All landscaping required shall be in place on or before July 1, 1990.
- 5) Within thirty (30) days of completion of said landscaping, Petitioners shall provide to the Zoning Commissioner's Office written proof from the certified landscape architect that all of the planting require-

ments of the approved landscaping plan have been fulfilled.

6) The driveway to the rear parking area which has been constructed in the D.R. 3.5 zone shall be removed on or before February 1, 1990. Upon removal, the area shall be replanted with grass and shrubs as required by the Baltimore County Landscape Planner and the approved landscaping plan.

7) When applying for the sign permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

January 5, 1990

William F. Monaghan, II, Esquire
Goldstein and Burns
20 W. Chase Street
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
NE/S York Road, 240' NW of the c/l of Aylesbury Road
(1905 Road)
8th Election District - 4th Councilmanic District
Weerasak Lima, et al - Petitioners
Case No. 90-150-A

Dear Mr. Monaghan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Mr. & Mrs. Truman L. Smith
1903 York Road, Timonium, Md. 21093

Ms. Blanche Schultheis
2 E. Aylesbury Road, Timonium, Md. 21093
People's Counsel

File

RE: PETITION FOR VARIANCE
NE/S York Rd., 240' NW of C/L
of Aylesbury Rd. (1905 York Rd.):
8th Election District : OF BALTIMORE COUNTY
3rd Councilmanic District :
WEERASAK LIMA AND SALEEWUN : Case No. 90-150-A
LIMAWARUT, Petitioners :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 27th day of November, 1989, a copy of the foregoing Entry of Appearance was mailed to William F. Monaghan, III, Esquire, Goldstein & Byrne, 20 W. Chase St., Baltimore, MD 21201, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County, Maryland
Office of Finance - Revenue Division
MISCELLANEOUS CASH RECEIPT

No. 059492

DATE: 10-20-89 ACCOUNT: R-01-615-000

AMOUNT: \$ 120.29

RECEIVED FROM: *S/Weerasak Lima*

FOR: *Commercial Variance Filing Fee*

VALIDATION OR SIGNATURE OF CARRIER

Baltimore County, Maryland
Office of Finance - Revenue Division
MISCELLANEOUS CASH RECEIPT

No. 077366

DATE: 11/1/89 ACCOUNT: R-01-615-000

AMOUNT: \$ 120.29

RECEIVED FROM: *Lima*

FOR: *P.A. for 11/1/89 Hearing 90-150-A*

VALIDATION OR SIGNATURE OF CARRIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: 10/20/89

Weerasak Lima
1905 York Road
Timonium, Maryland 21093

Re: Petition for Zoning Variance
CASE NUMBER: 90-150-A
NE/S York Road, 240' NW c/l Aylesbury Road
1905 York Road
8th Election District - 3rd Councilmanic
Petitioner(s): Weerasak Lima and Saleman Limawarut
HEARING: WEDNESDAY, NOVEMBER 1, 1989 at 2:00 p.m.

Dear Petitioner:

Please be advised that \$ 120.29 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

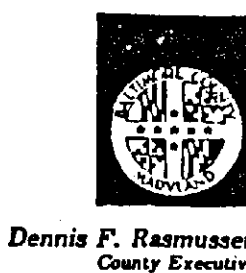
Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRHigs

cc: File



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R001-6150

Number: 605

receipt

90-150

Date:

12/08/89

119000200

PUBLIC HEARING FEES QTY PRICE

080 -POSTING SIGNS / ADVERTISING 1 X \$139.34

TOTAL: \$139.34

LAST NAME OF OWNER: LIMA

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: 12/5/89

Mr. & Mrs. Limawarut
1905 York Road
Lutherville, Maryland 21093

Re: Petition for Zoning Variance
CASE NUMBER: 90-150-A
NE/S York Road, 240' NW c/l Aylesbury Road
1905 York Road
8th Election District - 3rd Councilmanic
Petitioner(s): Weerasak Lima and Saleman Limawarut
HEARING: FRIDAY, DECEMBER 8, 1989 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$ 139.34 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRHigs
cc: William F. Monahan, Esq.
File

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 19, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-150-A
NE/S York Road, 240' NW c/l Aylesbury Road
1905 York Road
8th Election District - 3rd Councilmanic
Petitioner(s): Weerasak Lima and Saleman Limawarut
HEARING: WEDNESDAY, NOVEMBER 1, 1989 at 2:00 p.m.

Variances to permit a freestanding, double-faced, illuminated sign of 72 square feet in lieu of the permitted 8 square feet single-faced attached sign.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRHigs

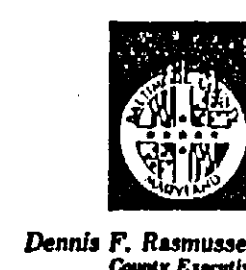
cc: Petitioners
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 9, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-150-A
NE/S York Road, 240' NW c/l Aylesbury Road
1905 York Road
8th Election District - 3rd Councilmanic
Petitioner(s): Weerasak Lima and Saleman Limawarut
HEARING: FRIDAY, DECEMBER 8, 1989 at 2:00 p.m.

Variances to permit a freestanding, double-faced, illuminated sign 72 square feet in lieu of the permitted 8 square foot single-faced attached sign.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRHigs

cc: Petitioners
William F. Monahan, II, Esq.
File
MR. MRS. SMITH

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 24, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Weerasak Lima
1905 York Road
Timonium, MD 21093

RE: Item No. 171, Case No. 90-150-A
Petitioner: Weerasak Lima, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Lima:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

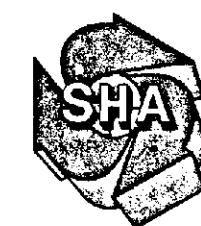
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 2, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County
Weerasak Lima &
Saleman Limawarut
Property
Zoning Meeting of 10-3-89
E/S York Road (MD 45)
240' North of
Aylesbury Road
(Item #171)

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a free standing double faced illuminated sign of 72 square feet in lieu of the permitted 8 square foot, single faced attached sign, we have the following comment.

We have forwarded this plan to our Highway Beautification Section, c/o Mary Benner (333-1842) for all comments relative to zoning.

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

Charles Rose
Charles Rose, Acting Chief
Engineering Access Permits
Division

LB:maw

cc: Ms. Mary Benner (w-attachment)
Mr. J. Ogle

RECORDED
OCT 10 1989

ZONING OFFICE

My telephone number is (301) 333-1350 (Fax #333-1041)

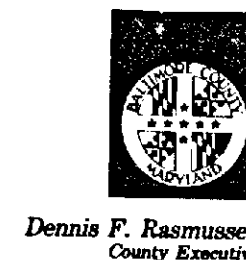
Typewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2536
(301) 887-4300

Paul H. Reincke
Chief

SEPTEMBER 28, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



RE: Property Owner: WEERASAK LIMA AND SALEEWUN LIMAWARUT
Location: NE/S OF YORK ROAD
Item No.: 171 Zoning Agenda: OCTOBER 3, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

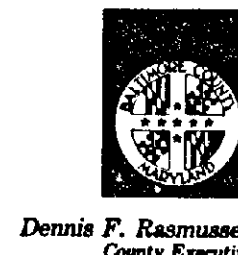
REVIEWER: *[Signature]* Noted and Approved *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

OCT 03 1989

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this 15th day of September, 1989.

[Signature]
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

[Signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner: Weerasak Lima, et ux
Petitioner's Attorney:

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

October 18, 1989

Ann Nastarowicz
Deputy Zoning Commissioner

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Case No. 90-150-A
Lima & Saleewun Limawarut - Petitioner
NES York Road, 240' NW C/L Aylesbury Road
1905 York Road
8th Election District

With the above subject matter currently scheduled for November 1, 1989, at 2:00 p.m., it is important that you are aware that other than the freestanding sign, other site problems do exist.

A review of the property on October 9, 1989, in conjunction with the approved site plan in variance hearing 82-146-A, indicates the following:

1. Failure to provide 4 foot high compact shrubbery.
2. Failure to properly designate the handicap parking space.
3. Paving the assigned open space.
4. Business parking in a residential zone (open space) without benefit of a use permit being granted.
5. Failure to provide concrete wheel stops.

Furthermore, the site plan submitted for this public hearing does not indicate the required shrubbery, handicap parking space and the fact that 1903 York Road is being used for a residence.

J. Robert Haines
Ann Nastarowicz
Page 2
October 18, 1989

Perhaps just as important on this plan there is no record that variance hearing 82-146-A even existed. The case file in the public hearing indicates the Limawarut's as the petitioner.

JHT:ljs

cc: William F. Monaghan, II, Esquire
Mr. and Mrs. T. L. Smith
Inspector Kevin Connor

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Gwendolyn Stephens
Docket Clerk

DATE: October 23, 1989

FROM: Bette Schuhmann *[Signature]*

SUBJECT: Request for Postponement
Case No. 90-150-A

This is to advise you that William F. Monaghan, II, Esquire with Goldstein and Burns has notified this office of his intention to request a postponement of the above-captioned matter, which has been scheduled for Wednesday, November 1, 1989. I advised Mr. Monaghan to submit his request in writing to the Zoning Commissioner and that I would let you know that a request for postponement of this matter is forthcoming. Please take appropriate action to notify all affected parties of the pending postponement.

Thank you for your attention in this matter and if you have any questions on the subject, Mr. Monaghan can be reached at 837-3380.

bjs

cc: J. Robert Haines
Ann Nastarowicz
Marlene Novak
Sophia Jennings
File

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Gwendolyn Stephens
Docket Clerk

DATE: October 23, 1989

FROM: Bette Schuhmann *[Signature]*

SUBJECT: Request for Postponement
Case No. 90-150-A 2:00

This is to advise you that William F. Monaghan, II, Esquire with Goldstein and Burns has notified this office of his intention to request a postponement of the above-captioned matter, which has been scheduled for Wednesday, November 1, 1989. I advised Mr. Monaghan to submit his request in writing to the Zoning Commissioner and that I would let you know that a request for postponement of this matter is forthcoming. Please take appropriate action to notify all affected parties of the pending postponement.

Thank you for your attention in this matter and if you have any questions on the subject, Mr. Monaghan can be reached at 837-3380.

bjs

cc: J. Robert Haines
Ann Nastarowicz
Marlene Novak
Sophia Jennings
File

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: October 19, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Weerasak Lima, Item 171
Zoning Petition No. 90-150

The petitioner requests a Variance to permit a freestanding sign for doctors' names and addresses.

In reference to this request staff offers the following comments:

- Analysis of the elevation drawing reveals an illuminated 72 square foot sign which is 12 feet high. The area of the sign providing the address and use of the building is 8 square feet.

In stating a practical difficulty or hardship, the petitioner indicates that new patients have difficulty finding the subject site. This is probably due to the fact that the clinic is located 51 feet from York Road, thereby making a sign on the building difficult, if not impossible, to see.

Bill No. 151-88 provides for free standing signs in the R.O. Zone along principal arterials. A total of 15 square feet per side is permitted. Should the petitioner elect to reduce the size of the proposed sign to 30 square feet (total both sides) this case would become mute because of the new legislation. This fact was conveyed to the Zoning Office and brought to the attention of the Associate, John Sullivan, on October 18, 1989.

While realizing the need for a free standing sign, staff feels the requested 72 square foot sign is excessive because Bill No. 151-88 satisfactorily provides for adequate signage along principle arterials.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

OCT 24 1989

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 26, 1989

William F. Monaghan, II, Esq.
Goldstein and Burns
20 W. Chase Street
Baltimore, Maryland 21202

Re: Case Number: 90-150-A
Petitioner(s): Lima & Saleewun Limawarut
Location: 1905 York Road

Dear Mr. Monaghan:

Pursuant to your request, the above case scheduled to be heard on November 1, 1989, has been postponed.

You will be notified of the new hearing date in due course.

However, please be advised that the advertising fee for the November 1st date, in the amount of \$120.00, must be paid. Further, your clients will incur additional costs, as it will be necessary to advertise and post the property as to the new date.

If you have any questions regarding this matter, please do not hesitate to contact this office.

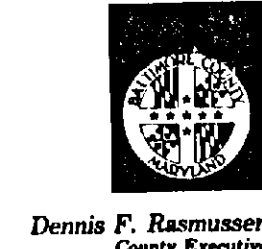
Very truly yours,

[Signature]
G. G. Stephens
(301) 887-3391

GGS:mf
cc: Mr. & Mrs. Limawarut
Mr. & Mrs. T. L. Smith

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

February 20, 1990



Cynthia K. Hitt, Esquire
Klein & Webb
Suite 401, Heaver Plaza
1301 York Road
Lutherville, Maryland 21093

RE: Case No. 90-150-A
Weerasak Limawarut, et ux, Petitioners

Dear Ms. Hitt:

I am in receipt of your letter dated February 9, 1990 concerning the above captioned matter. Please be advised that I have referred this matter to Mr. Carl Richards, Zoning Coordinator, 887-3391, for further handling. If you have any questions, please feel free to contact Mr. Richards.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Carl Richards

File
shz
wcr

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

February 5, 1990



Cynthia K. Hitt, Esquire
Klein & Webb
Heaver Plaza, Suite 401
1301 York Road
Lutherville, Maryland 21093

RE: Petition for Zoning Variance
NE/S York Road, 240' NW of the c/l of Aylesbury Road
(1905 York Road)
8th Election District - 3rd Councilmanic District
Weerasak Lima and Saleewun Limawarut - Petitioners
Case No. 90-150-A

Dear Ms. Hitt:

In response to your letter dated January 30, 1990 on the above-captioned matter, the following comments are offered.

While a landscaping plan may have been waived in prior Case No. 82-146-A, which does not appear in the record and is not a part of the case file, my position in this matter and the restriction requiring that an approved landscaping plan be submitted prior to the issuance of any permits remains firm. As the Petitioners were previously advised, if any portion of the decision rendered is not satisfactory to them, they have the right to file an appeal to the County Board of Appeals. In the alternative, I will extend the Petitioners until March 15, 1990 to submit the required landscaping plan.

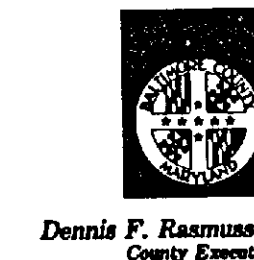
If you have any further questions on the subject, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: Case File
Pat Keller
Avery Harden
James Thompson

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 20, 1989



William F. Monaghan, II, Esquire
Goldstein and Burns
20 W. Chase Street
Baltimore, Maryland 21202

RE: Business Parking in a Residential Zone
Request for Relief from R.T.A. Requirements
1905 York Road, NES of York Rd. 240' NW of
Centerline of Aylesbury Road - 8th Elec. Dist.
Zoning Cases: 82-146-A; Violation-90-150-A

Dear Mr. Monaghan:

This letter references your correspondence, dated November 10, 1989, inquiring about possible procedures by which business parking in a residential zone and within an R.T.A. area would be permitted at the above location.

The approved site plan in Zoning Case 82-146-A has been reviewed by Mr. James Dyer, Zoning Supervisor, and myself in light of your situation and I have subsequently been directed to inform you that in order to resolve your difficulty it will be necessary to remove the paving from the rear lot area on which parking cannot be permitted. The other site plan violations on concerning failure to provide 4' high compact shrubbery, to properly designate the handicap parking space and to provide concrete wheel stops can be corrected by compliance with the approved plan or through a Special Hearing to amend the approved plan which was required in Zoning Case 82-146-A.

A copy of your letter along with the response is being included in the hearing file #90-150-A in order to document the zoning history of this site.

To: William F. Monaghan, II, Esquire
November 20, 1989
Page 2

Should you require further assistance, please do not hesitate to call me at 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

By: John L. Lewis
Planning & Zoning Associate

JLL:jat

cc: Mr. & Mrs. T. L. Smith
Zoning Inspector, Kevin Connor
Files

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: J. Robert Haines
Zoning Commissioner

DATE: February 1, 1990

FROM: Frank H. Fisher
Chief, Current Planning and Development

SUBJECT: Zoning Case No. 90-150-A

The subject case, regarding the property at 1905 York Road, was granted a sign variance, subject to several restrictions. Please be advised that Restriction No. 4 has not been met in that no landscape plan has been submitted by the required date of January 30, 1990.

Please take whatever action is necessary to enforce this Order. This office will keep you informed as to when a landscape plan does arrive.

Frank H. Fisher
Chief, Current Planning and Development

FHF:rh

cc: Pat Keller
James Thompson

This is Kevin's F.O.

Frank
update
the J.T.
check for
appeal of 90-150-A

KLEIN & WEBB
SUITE 401, HEAVER PLAZA
1301 YORK ROAD
LUTHERVILLE, MARYLAND 21093

GERALD S. KLEIN
THOMAS E. WEBB
CYNTHIA K. HITT
DEBRA G. SCHUBERT
BRIAN R. McHENRY

TELEPHONE NO.
(301) 321-8996
FAX NO.
(301) 296-3054

January 30, 1990

Mr. Robert Haines
Baltimore County
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance
Case No. 90-150-A
Petitioners Weerasak Limawarut
and Saleewun Limawarut

Dear Mr. Haines:

Please be advised that this office has recently been retained by Mr. and Mrs. Limawarut in the above referenced matter. I note in your Order of January 5, 1990 that the Limawaruts were given until January 30, 1990 to submit a landscaping plan; and until February 1, 1990 to eliminate the driveway. From information available to me in the earlier Variance Case No. 82-146-A, the Limawaruts were given a waiver on the landscaping requirement, such waiver coming verbally from the Zoning Commissioner at the hearing. In that case as well it appears that the residential neighbors specifically did not want the fence and landscaping.

We hereby request that you reconsider the condition of submitting a landscaping plan by January 30, 1990 or, in the alternative, allow the Limawaruts the opportunity to investigate the file of Variance No. 82-146-A and, on that basis, request that you reconsider the landscaping requirement. In the alternative, if you are unwilling to reconsider the landscaping requirement, we request an extension on the time limit thereof until February 28, 1990. In addition, we would request an extension on eliminating the driveway in order that the Limawaruts may apply for a Variance for the driveway and parking and apply for the appropriate use permits in conjunction therewith, and on that basis, request your reconsideration of the driveway condition.

KLEIN & WEBB
SUITE 401, HEAVER PLAZA
1301 YORK ROAD
LUTHERVILLE, MARYLAND 21093

TELEPHONE NO.
(301) 321-8996
FAX NO.
(301) 296-3054

February 9, 1990

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance
Case No. 90-150-A
Petitioners Weerasak Limawarut
and Saleewun Limawarut

Dear Mr. Haines:

In response to your letter dated February 5, 1990, please be advised that my clients, the Limawaruts, have decided on the following course of action.

The Limawaruts would like to refile a Variance and obtain as part of the written record a waiver of the landscaping plan. In addition, as part of said Variance, they will be applying for a Variance and Use Permit for the driveway and small parking lot. The Limawaruts are doing so on the basis that the neighborhood has expressed an interest in not having congested parking on the street in the neighborhood for the benefit of the commercial uses. By having the small driveway and parking lot in the back, the Limawaruts can have their employees park in the back leaving more room on the front parking lot for patients. My clients recognize that for the Variance and the Use Permit they must comply with the Zoning Ordinance. The Limawaruts have an appointment in March to file for the Variance and the Use Permit.

I believe that the Limawaruts will will, from this point forward, attempt to proceed in the proper course and correct these matters through the proper forums. If you have any questions, please feel free to call me.

Very truly yours,

TRUE COPY - TEST
J. Robert Haines
Zoning Commissioner of BALTO. CO.
cc: Dr. and Mrs. Limawarut

September 14, 1989

Mr. Mitch Kellman
Baltimore County Zoning Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 171 Commercial Variance
Account No. 1 R/01/615/000
1905 York Road

Dear Mr. Kellman:

This letter is to confirm our phone conversation of September 14, 1989 and the phone conversation of my client Mrs. Saleewun Limawarut that we may disregard James H. Thompson's letter of September 6, 1989 threatening a fine of \$800.00 per day as long as said sign remains and that Mrs. Limawarut will meet with you this Friday, and refile the request for the variance and that said sign may remain until such time as there is a hearing and a decision has been reached.

This will also confirm Mrs. Limawarut's conversation with Inspector Kevin Connor and that said sign would not have to be taken down and may remain at its present location until such time as there is a hearing and a decision has been reached.

Sincerely yours,

William F. Monaghan, II
William F. Monaghan, II

WFM/lw

cc: Kevin Connor, Zoning Inspector

James H. Thompson
Baltimore County Zoning Commissioner
Mrs. Lima

RECEIVED
SEP 18 1989
ZONING OFFICE

October 23, 1989

J. Robert Haines
Zoning Commissioner
Baltimore County Zoning Office
Towson, Maryland 21204

RE: Case No. 90-150-A
Lima & Saleewun Limawarut- Petitioner
NES York Road, 240' NW C/L Aylesbury Road
1905 York Road
8th Election District

Dear Mr. Haines:

I would request a postponement for the scheduled hearing on the above-captioned variance in reference to a freestanding sign scheduled for November 1, 1989 at 2:00 p.m. on behalf of myself and Seymour R. Goldstein of this office. I am currently scheduled to be in the District Court for Montgomery County, Rockville, Maryland on said date and Mr. Goldstein would be outside the State of Maryland on said date. Besides the inability to attend said hearing on said date this office would request additional time to prepare for said hearing in light of the inter-office correspondence generated by James H. Thompson, Zoning Enforcement Coordinator. Your granting of this postponement would be greatly appreciated.

Sincerely yours,

William F. Monaghan, II

WFM/lw

10/26/89 →

RECEIVED
OCT 27 1989
ZONING OFFICE

SEYMOUR R. GOLDSTEIN
TERENCE B. BYRNE
DAVID A. THOMAS
WILLIAM F. MONAGHAN, II
ROBERT K. KELLMAN
DAVID P. BROWNE
PAUL M. WEISS

LAW OFFICES
GOLDSTEIN & BYRNE
20 W. CHASE STREET
BALTIMORE, MARYLAND 21201
(301) 837-3380
3381
FAX NO. (301) 763-9537

October 23, 1989

J. Robert Haines
Zoning Commissioner
Baltimore County Zoning Office
Towson, Maryland 21204

RE: Case No. 90-150-A
Lima & Saleewun Limawarut- Petitioner
NES York Road, 240' NW C/L Aylesbury Road
1905 York Road
8th Election District

Dear Mr. Haines:

I would request a postponement for the scheduled hearing on the above-captioned variance in reference to a freestanding sign scheduled for November 1, 1989 at 2:00 p.m. on behalf of myself and Seymour R. Goldstein of this office. I am currently scheduled to be in the District Court for Montgomery County, Rockville, Maryland on said date and Mr. Goldstein would be outside the State of Maryland on said date. Besides the inability to attend said hearing on said date this office would request additional time to prepare for said hearing in light of the inter-office correspondence generated by James H. Thompson, Zoning Enforcement Coordinator. Your granting of this postponement would be greatly appreciated.

Sincerely yours,

William F. Monaghan, II
William F. Monaghan, II

WFM/lw

LAW OFFICES
GOLDSTEIN & BYRNE
20 W. CHASE STREET
BALTIMORE, MARYLAND 21201
(301) 837-3380
3381
FAX NO. (301) 763-9537

SEYMOUR R. GOLDSTEIN
TERENCE B. BYRNE
DAVID A. THOMAS
WILLIAM F. MONAGHAN, II
ROBERT K. KELLMAN
DAVID P. BROWNE
PAUL M. WEISS

November 10, 1989

J. Robert Haines
Zoning Commissioner
for Baltimore County
Baltimore County Zoning Office
Towson, Maryland 21204

Dear Commissioner Haines:

I am writing this letter to request some insight from yourself.

This office represents Drs. Weerasak and Saleewun Lima who currently have a zoning case that is to be scheduled for a hearing. Said case number is 90-150-A. Said case is in reference to the Lima's erection of a sign which is not in compliance with the County Zoning Law. As a result of the erection of said sign an investigation was generated and James H. Thompson of the Zoning Enforcement Office went to the petitioners office, at 1905 York Road and found a number of things amiss there which he listed in his inter-office correspondence of October 18, 1989.

This office is attempting to correct the items listed in Mr. Thompson's correspondence and this letter is specifically in reference to items 3 and 4. In front of the office is located an area zoned residential and office and in the rear portion of said lot in which the office sits, where the open space is located is in a residential zone.

I spoke with John Lewis of the Zoning office as to the possibility of a use permit for business parking in a residential zone as the open space to the rear of the office which was paved over is used by the Doctor to park his vehicle. It is not used by the public or patients of the Doctor and only has a limited use. Mr. Lewis explained to me that residential transition area under zoning regulation 1801.1B requires a 75' buffer zone and that there would be no variance from said regulation.

RECEIVED
NOV 13 1989
ZONING OFFICE

Page 2

I'm writing you this letter to inquire whether there exists a procedure by which my client could in some way petition the Zoning Commission to make use of his rear space behind his building which is abutted on both sides and in the rear by the yards of his neighbors. Obviously my client would be willing to plant shrubbery or to erect an acceptable fence so as to please his surrounding neighbors so that a practical use may be made of this open area other than just having a dead zone behind the office.

Any suggestion that you may have as to a procedure which is available before the Zoning Commission that would provide the petitioners with an opportunity to practically use their property at the same time comply with the Zoning Law of Baltimore County would be greatly appreciated.

Sincerely yours,

William F. Monaghan, II
William F. Monaghan, II

WFM/lw

1903 YORK RD.
TIMONIUM, MD. 21093
MARCH 17, 1982

DEAR MR. & MRS. LIMAWARUT:

WE CALLED THE ZONING COMMISSION IN REFERENCE TO THE PROCEDURE REQUIRED BY THEM IN OPPOSING A FENCE BETWEEN OUR PROPERTIES.

THEY STATED THE LETTER BE SENT TO THEM DIRECTLY WHICH WE DID TO-DAY.

YOURS TRULY,
MR. & MRS. TRUMAN L. SMITH.

MR. & MRS. LIMAWARUT
1905 YORK RD.
TIMONIUM
MD. 21093

2/1/90 - In April 1982, the inspector who came out to inspect the work told me that it's O.K. not to plant a foot high compact shrubbery and/or other shrubbery. The reason for that was because the neighbor was against planting any more shrubbery or making any change in the front of the building. The neighbor specifically told us to keep everything the way it was. S.L. LIMAWARUT

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

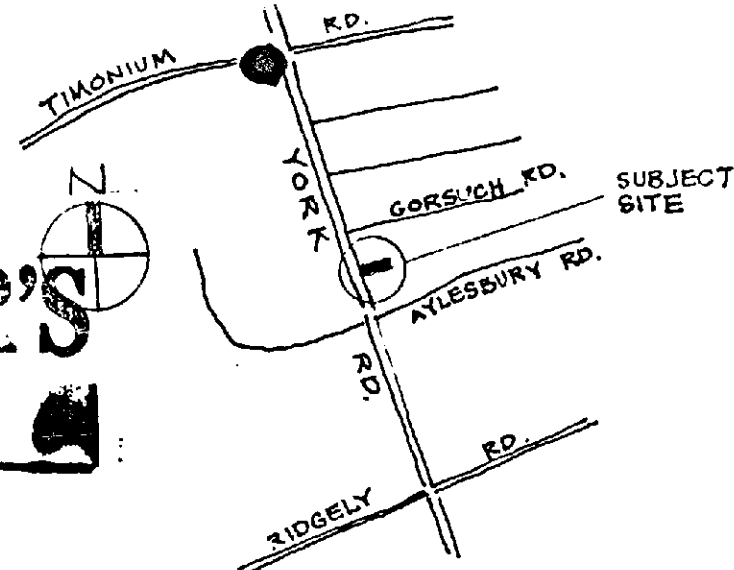
NAME	ADDRESS
W. Lima (W. LIMA)	1905 YORK RD, TIMONIUM, MD 21093
Saleewun Limawarut	1905 York Rd, Timonium, Md 21093

PROTESTANT(S) SIGN-IN SHEET

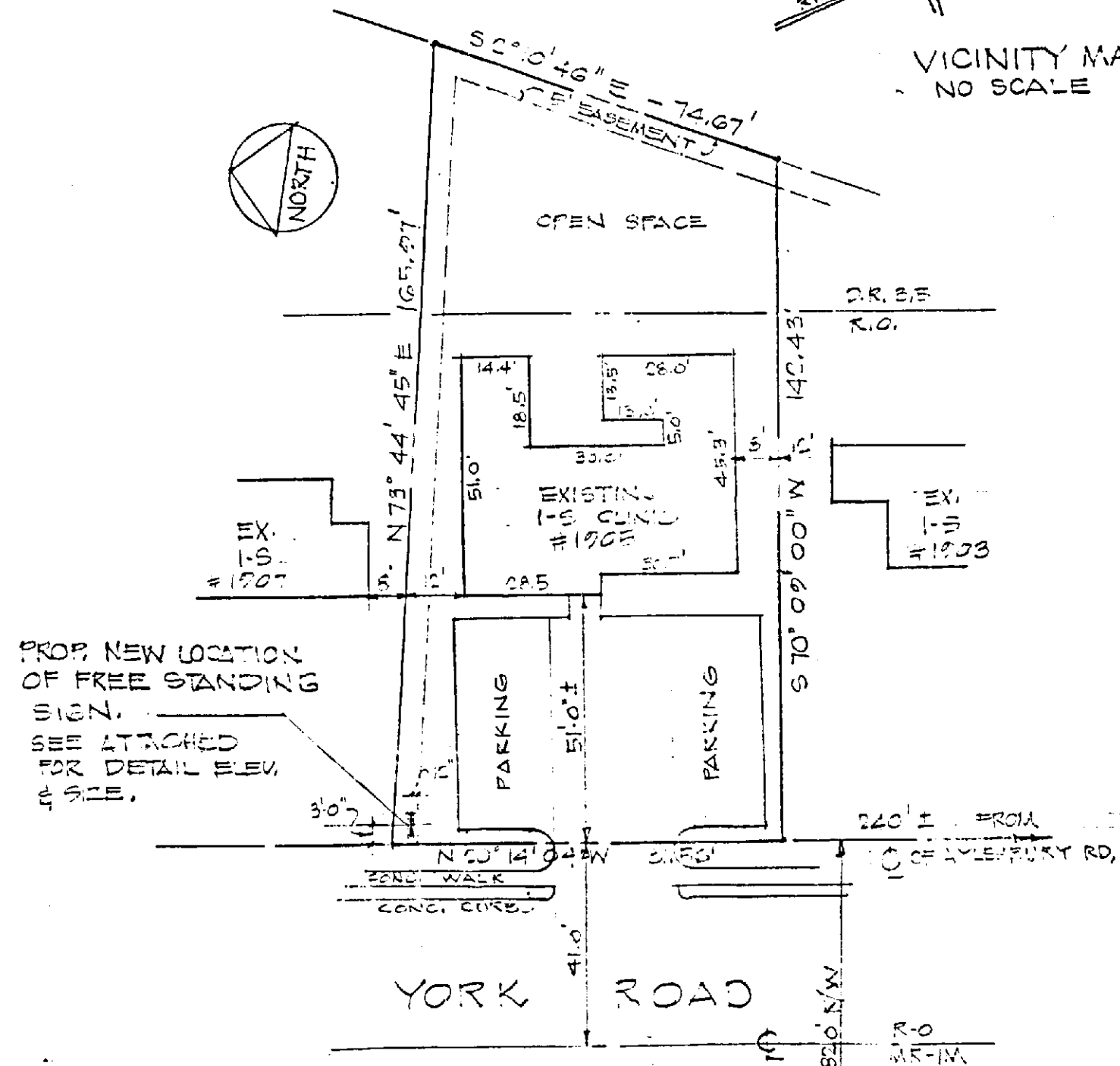
NAME	ADDRESS
Blanche Schubert's	J. B. High, Hwy Rt. 1903 YORK RD.
Truman L. Smith	1903 YORK RD.
Virginia Smith	1903 York Rd.

90-150-A

PETITIONER'S EXHIBIT 1



VICINITY MAP
NO SCALE



PLAT FOR ZONING VARIANCE
OWNER: WEEKASAK LINA & SALEEWUN LIMANASAKUT
ELECT. DIST. 8, EXISTING ZONING = R.O.
SUBD. - NORTHAMPTON, PLAT A
LOT 3, PUT G.L.B. NO. 15 ROAD STG
EXISTING UTILITY IN YORK RD.

SCALE: 1"=50'



Weekasak W. Lima, M.D., P.A.
PRACTICE LIMITED TO ORTHOPEDIC SURGERY

1905 YORK ROAD
TIMONIUM, MARYLAND 21089
(301) 581-2424
USE ABOVE ADDRESS FOR
CORRESPONDENCE

4713 LEEDS AVENUE
ARBUS, MARYLAND 21227
(301) 242-3444

PETITION FOR FREE STANDING SIGN

Dear Patients, We would like for you to sign this petition as to whether or not you agree that the sign that you see outside is beneficial.

Name/Date:	Address:	Agree:	Disagree:	Signature:
H. Vazir 10/14/88	4176 Northville Rd	X		H. Vazir
H. Vazir 10/10/88	3101 Copley Rd	✓		H. Vazir
Gary G. Gorman 10/12/88	3401 GARRISON RD	✓		Gary G. Gorman
Pauline M. Sengell 10/13/88	122 NORTHWOOD DR TIMONIUM 21093	X		Pauline M. Sengell
J. M. M. 10/13/88	88 GARDNER RD TIMONIUM 21093	X		J. M. M.
W. P. 10/14/88	2 CEDAR RIDGE CT TIMONIUM 21093	✓		W. P.
James White	30011 Stouck Rd	✓		James White
Wilhelmina Hargrave	541 Gold St. 21111	✓		Wilhelmina Hargrave
Janet John	2831 Round Rd	✓		Janet John
Susan Rees	21111 Stouck Rd	✓		Susan Rees
Al. V. 10/14/88	51111 Stouck Rd	✓		Al. V.
Dianne Fetter	10515 VA. AVE	✓		Dianne Fetter
Alvin Fred	135 Dorchester Rd	✓		Alvin Fred
Thos. P. Joubert	3503 Redline St	✓		Thos. P. Joubert

PETITIONER'S EXHIBIT 2

PROTESTANT(S) EXHIBIT (1)



PROTESTANT(S) EXHIBIT (1)

